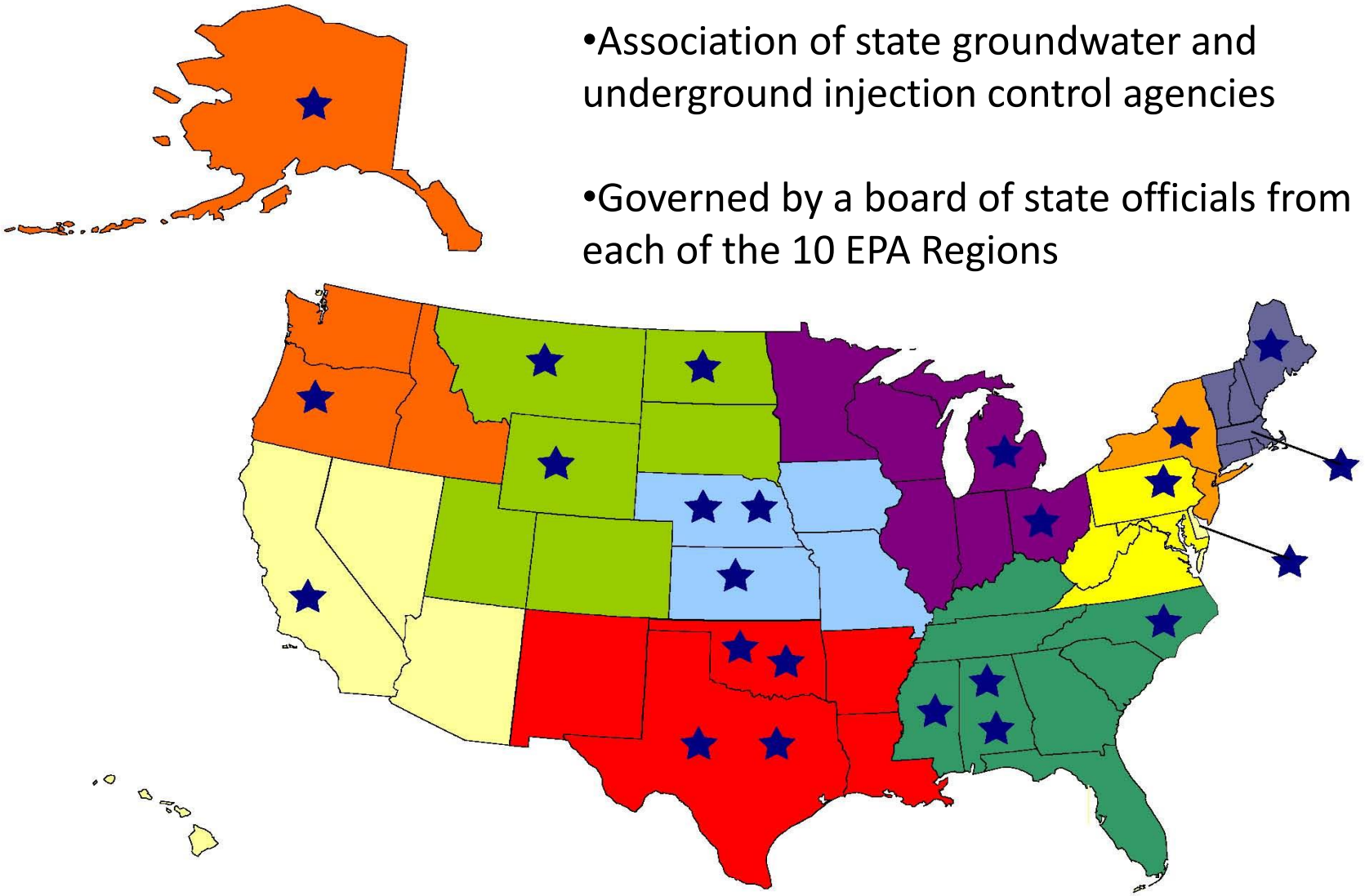
THE FRACFOCUS 2.0 SYSTEM

Focus on Disclosure

Railroad Commission of Texas

Leslie Savage, Ground Water Protection Council

What is the Ground Water Protection Council?



- Association of state groundwater and underground injection control agencies
- Governed by a board of state officials from each of the 10 EPA Regions

Background on FracFocus

- With the rapid growth of shale gas development using high-volume hydraulic fracturing technologies, the media and public became aware of the fracturing process
  - The industry showed reluctance to disclose information about the chemicals used
  - This led to great concern over the types and quantities of chemical additives used in frac fluids
- In April 2011, the Ground Water Protection Council (GWPC) and the Interstate Oil and Gas Compact Commission (IOGCC) opened a new online system (FracFocus) to host information about the chemical additives used in frac fluids and their ingredients
- FracFocus was designed to provide the public with information about the process of hydraulic fracturing and individual landowners with information about chemicals being used on or near their property

FracFocus
Chemical Disclosure Registry

Background (2)

- Initially, chemical data entry into the Registry by the oil and gas companies was voluntary, but over the next year, several states adopted regulations requiring data on the chemicals used in frac fluids to be disclosed
  - Many of those states specifically referenced FracFocus as the mechanism for submitting those data
- The number of wells for which chemical information was entered grew quickly
  - At the end of 2012, data had been entered on more than 34,000 wells, representing 342 companies

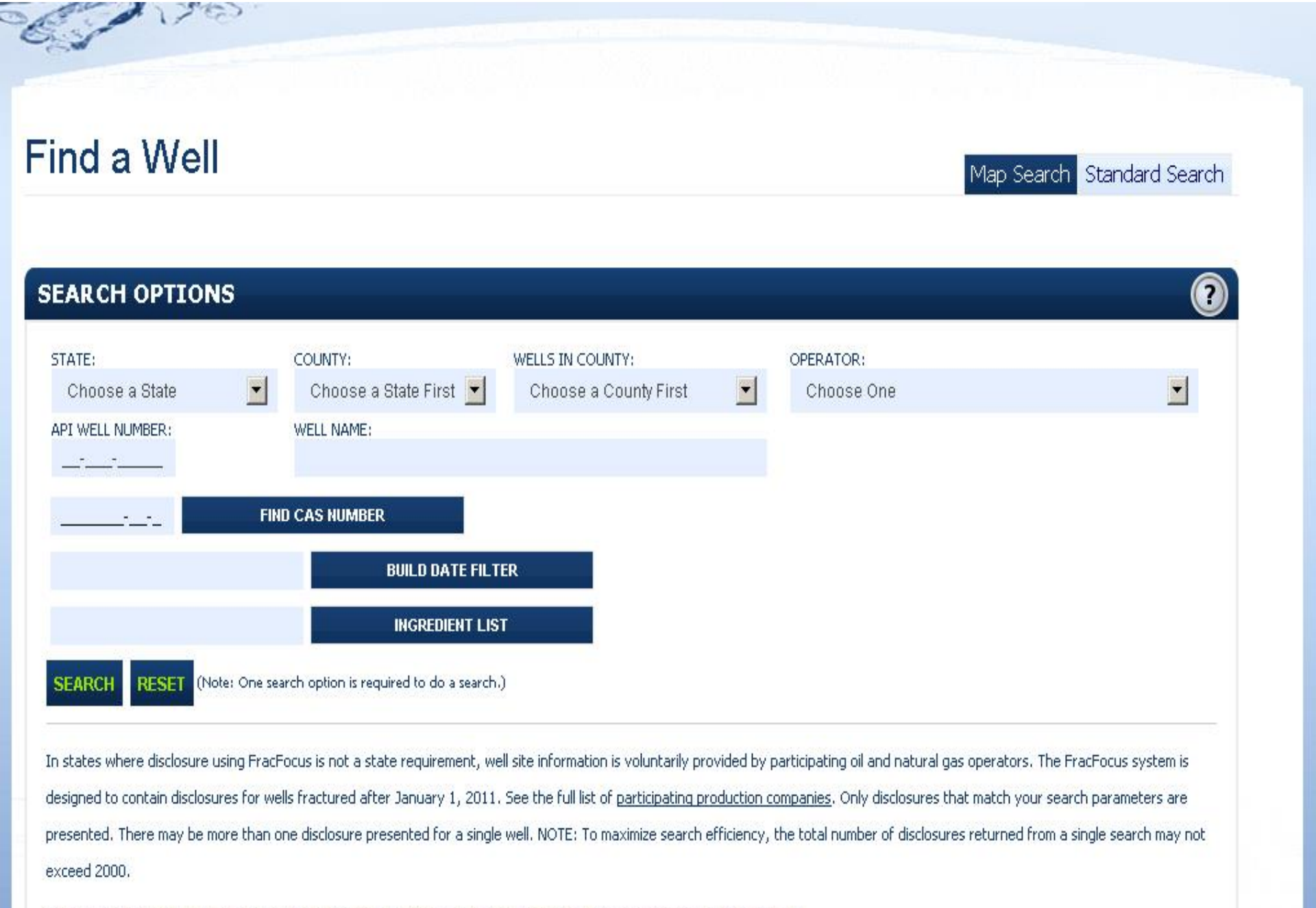
FracFocus
Chemical Disclosure Registry

- **Two sides to FracFocus**
  - Public side
    - General fracturing information
    - Disclosure presentation
  - Company side
    - FracFocus 2.0 disclosure submission system

FracFocus
Chemical Disclosure Registry


Home / Welcome / Publications / News & Updates / Links
Frac Focus
Chemical Disclosure Registry
HYDRAULIC FRACTURING
HOW IT WORKS
GROUNDWATER
PROTECTION
CHEMICAL
USE
REGULATIONS
BY STATE
FIND A WELL
BY STATE
FREQUENT
QUESTIONS
General Fracturing Information
WELCOME
Welcome to FracFocus, the hydraulic fracturing chemical registry website. This website is a joint project of the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission.
On this site you can search for information about the chemicals used in the hydraulic fracturing of oil and gas wells. You will also find educational materials designed to help you put this information in perspective.
LEARN MORE
Welcome
Hydraulic Fracturing
Casing & Cement
State Regulations
Chemical Use
Looking for information about a
well site near you?
FIND A WELL
Search for nearby well sites that have been hydraulically fractured to see what chemicals were used in the process.
FAQs
1 / 3
Q. How much water is used in hydraulic fracturing?
A. This varies from well to well and depends upo the well configuration (vertical or horizontal), the number of stages fractured, and the specifi characteristics of the formation being fractured. In vertical wells with a single fractured stage it is not uncommon to use less than 50,000 gallons of water during a fracture job, while a multi interval fracture job in a horizontal well can use several million gallons of water. Read more...
All FAQs »
Is groundwater protected?
Groundwater Protection: Priority Number One
Oil and natural gas producers have stringent requirements for how wells must be completed. The genesis of these requirements is water safety.
Casing is the first line of defense used to protect freshwater aquifers.
More About Groundwater Protection »

Disclosure Presentation



Find a Well

Back To Search

Next Page

Page 1 of 25 Go

API No.	Job Date	State	County	Operator	WellName	Well Type	Latitude	Longitude	Datum
05-001-09723	1/8/2011	Colorado	Adams	Anadarko Petroleum Corp...	TALON VIEW 3-9	Gas	39.982340	-104.898600	NAD83
05-001-09724	1/8/2011	Colorado	Adams	Anadarko Petroleum Corp...	TALON VIEW 5-9	Gas	39.982383	-104.898600	NAD83
05-001-09721	1/8/2011	Colorado	Adams	Anadarko Petroleum Corp...	TALON VIEW 6-9	Gas	39.982252	-104.898599	NAD83
05-001-09719	1/14/2011	Colorado	Adams	Anadarko Petroleum Corp...	TALON VIEW 11-9	Gas	39.982210	-104.898599	NAD83
05-001-09722	1/17/2011	Colorado	Adams	Anadarko Petroleum Corp...	TALON VIEW 12-9	Gas	39.982169	-104.898599	NAD83
05-001-09725	1/11/2011	Colorado	Adams	Anadarko Petroleum Corp...	TALON VIEW 21-9	Gas	39.982295	-104.898600	NAD83
05-001-09720	1/20/2011	Colorado	Adams	Anadarko Petroleum Corp...	TALON VIEW 22-9	Gas	39.982129	-104.898598	NAD83
05-001-08991	4/25/2011	Colorado	Adams	Anadarko Petroleum Corp...	YORK NORTH 13-12 #3	Gas	39.977350	-104.957217	NAD83
05-001-09111	4/20/2011	Colorado	Adams	Anadarko Petroleum Corp...	DREYER #1	Gas	39.989650	-104.684286	NAD83
05-069-06420	1/29/2011	Colorado	Larimer	Anadarko Petroleum Corp...	ENCORE 4-12	Gas	40.420216	-104.954907	NAD83
05-069-06423	1/29/2011	Colorado	Larimer	Anadarko Petroleum Corp...	ENCORE 18-12	Gas	40.420161	-104.954909	NAD83
05-069-06407	1/25/2011	Colorado	Larimer	Anadarko Petroleum Corp...	MIRACLE 10-12	Gas	40.413925	-104.953288	NAD83

Trade Name	Supplier	Purpose	Ingredients	Chemical Abstract Service Number (CAS #)	Maximum Ingredient Concentration in Additive (% by mass)**	Maximum Ingredient Concentration in HF Fluid (% by mass)**	Comments
Water	Operator	Carrier	Water	7732-18-5	100.00%	83.89391%	
Frac-Cide 1000	Baker Hughes	Biocide	2,2-Dibromo-3-Nitriloproplonamide	10222-01-2	100.00%	0.00777%	
			Water	7732-18-5	5.00%	0.00039%	
Alpha 452	Baker Hughes	Biocide	Tetrakis(hydroxymethyl) Phosphonium Sulfate	55566-30-8	40.00%	0.01006%	
Enzyme G-I	Baker Hughes	Breaker	Hemicellulase Enzyme Concentrate	9025-56-3	3.00%	0.00108%	
			Water	7732-18-5	97.00%	0.03500%	
GBW-23L	Baker Hughes	Breaker	Magnesium Hydroxide	1309-42-8	5.00%	0.00188%	
			Magnesium Oxide	1309-48-4	2.00%	0.00075%	
			Magnesium Peroxide	14452-57-4	3.00%	0.00113%	
			White Mineral Oil	8042-47-5	91.00%	0.03419%	
BF-9L, 55 gal drum	Baker Hughes	Buffer	Potassium Carbonate	584-08-7	60.00%	0.03639%	
			Potassium Hydroxide	1310-58-3	30.00%	0.01820%	
XLW-30AD, tote	Baker Hughes	Crosslinker	Hydrotreated Light Distillate	64742-47-8	70.00%	0.04464%	
XLW-32	Baker Hughes	Crosslinker	Boric Oxide	1303-86-2	20.00%	0.00191%	
			Methanol	67-56-1	90.00%	0.00860%	
GW-3LDF	Baker Hughes	Gelling Agent	Guar Gum	9000-30-0	40.00%	0.21627%	
			Petroleum Distillate Blend	CBI	70.00%	0.37848%	
NE-900, tote	Baker Hughes	Non-emulsifier	Methanol	67-56-1	30.00%	0.01205%	
			Nonyl Phenyl Polyethylene Glycol Ether	9016-45-9	10.00%	0.00402%	
Sand, White, 40/70	Baker Hughes	Proppant	Crystalline Silica (Quartz)	14808-60-7	100.00%	4.70068%	
Mg Light, 20/40	Baker Hughes	Proppant	Magnesium Iron Silicate	1317-71-1	10.00%	0.95537%	
			Magnesium Silicate	1343-88-0	60.00%	5.73223%	
			Silicon Dioxide (Amorphous As Glass)	7631-86-9	40.00%	3.82149%	
ScaleSorb 3, (25# pail)	Baker Hughes	Scale Inhibitor	Amino Tri (Methylene Phosphonic Acid)	6419-19-8	30.00%	0.00583%	
			Calcined Diatomaceous Earth	91053-39-3	100.00%	0.01943%	
			Crystalline Silica Quartz	14808-60-7	1.00%	0.00019%	
			Phosphonic Acid	13598-36-2	1.00%	0.00019%	
InFlo 250W	Baker Hughes	Surfactant	2-Butoxyethanol	111-76-2	20.00%	0.00890%	
			Methanol	67-56-1	30.00%	0.01335%	
			Surfactants	CBI	80.00%	0.03560%	
Additional Components							
			Alkyl Benzenesulfonic Acid	68584-22-5			
			Boric Anhydride	1303-86-2			
			Copolymer	CBI			
			Crystalline Silica	14808-60-7			
			Ethylene Glycol Monobutyl Ether	111-76-2			
			Hydrotreated Light Distillate	64742-47-8			
			Methanol	67-56-1			
			Modified Amide	68442-77-3			
			Poly (oxy-1,2-ethanediyl)	24938-91-8			
			Propylene Carbonate	108-32-7			
			Quaternary Ammonium Compounds bis[Hydrogenated Tallow Alkyl] Dimethyl Salts With Bentonite	68953-58-2			
			Sodium Sulfate	7757-82-6			
			Sodium mon/Di dodecyl Disulfonated Diphenyl Oxide	119345-04-9			
			Sodium tetraborate	1330-43-4			
			Water	7732-18-5			

Classic FracFocus Template, MSDS Ing.

Non-MSDS Ingredient

Hydraulic Fracturing Fluid Product Component Information Disclosure

Job Start Date:	12/2/2012
Job End Date:	12/8/2012
State:	Colorado
County:	Weld
API Number:	05-123-39999-99-99
Operator Name:	VE Producer
Well Name and Number:	Test Well #2 - combined format
Longitude:	-104.76057200
Latitude:	40.19021000
Datum:	WGS84
Federal Well:	NO
Total Base Water Volume (gal):	434,867
Total Base Non Water Volume:	

Hydraulic Fracturing Fluid Composition:

Trade Name	Supplier	Purpose	Ingredients	Chemical Abstract Service Number (CAS #)	Maximum Ingredient Concentration in Additive (% by mass)**	Maximum Ingredient Concentration in HF Fluid (% by mass)**	Comments
Water/sand/BA-1/Biocide 1/GA-1	VE Chemicals	carrier/proppant/ buffering agent/biocide/gelling agent					
			water	7732-18-5	100.00	87.00000	
			crystalline silica	014808-60-7	100.00	11.00000	
			potassium carbonate	584-08-7	60.00	1.70000	
			Alkyl(C12-16) dimethylbenzylammonium chloride	68424-85-1	7.00	0.02200	
			ethanol	64-17-5	5.00	0.01100	

What About Trade Secrets?

- **FracFocus neutral on the subject of Trade Secrets**

- Trade secret laws and regulations vary by state
  - Technical
  - Administrative
  - Legal

FracFocus
Chemical Disclosure Registry

Why FracFocus 2.0?

- The original FracFocus (FracFocus 1.0) was developed to fill an important gap in public disclosure information
  - The programming and system design were done in a way that allowed FracFocus 1.0 to get underway quickly in early 2011

- As the volume of information entered into the system grew, industry, GWPC, and IOGCC realized that a more efficient data management system was needed
  - This led to the development of FracFocus 2.0 during 2012

FracFocus
Chemical Disclosure Registry

FracFocus 2.0 Upgrades

- Server vs. client side processing
- New xml submission format to assist with data validation checks (dates, locations, volumes etc…)
- Data entry forms for operators to create xml
- Expanded search capability
  - Dates
  - Chemical names
  - CAS numbers
- Added user categories
  - Registered agents
  - Service companies
  - State agencies

FracFocus
Chemical Disclosure Registry

Transition Process from FracFocus 1.0 to 2.0

- FracFocus 2.0 was introduced as a beta (test) version in October 2012
- As of November 1, 2012, FracFocus 2.0 became live and functional
- As of June 1, 2013 the FracFocus 1.0 disclosure entry system using Excel files was turned off and XML became the exclusive reporting method for Fracfocus.

FracFocus
Chemical Disclosure Registry

The FracFocus 2.0 Disclosure Submission System

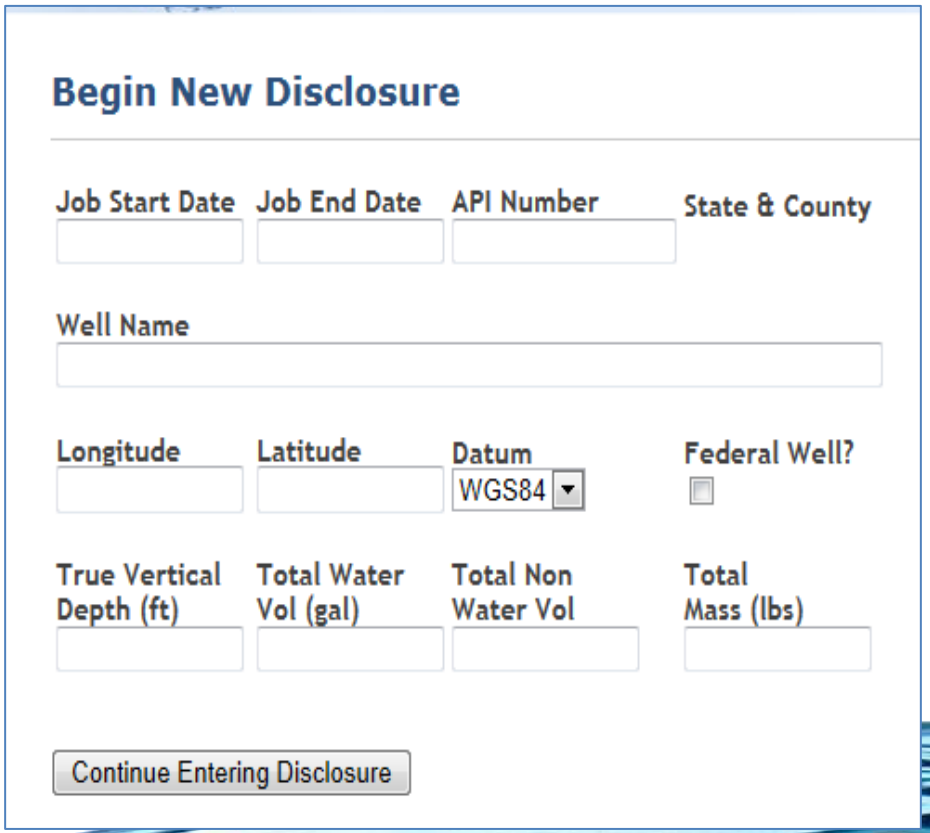
Three ways to generate FracFocus 2.0 files

- Service company creates xml and sends to operator via e-mail
- Service company creates xml and uploads directly to operator queue
- Operator or registered agent creates xml using pre-loaded forms

FracFocus
Chemical Disclosure Registry

Add New Disclosure

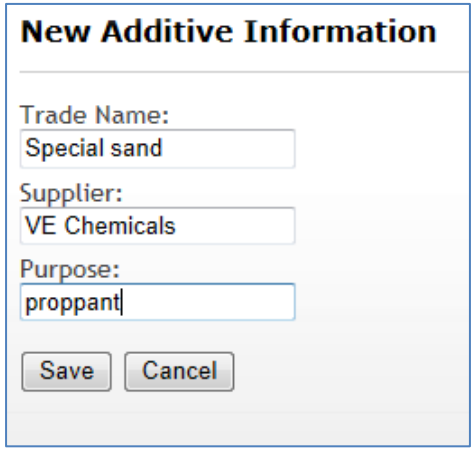
- Clicking on this icon leads to a screen that allows the user to create a new disclosure report
- Use of this screen is described later in the presentation

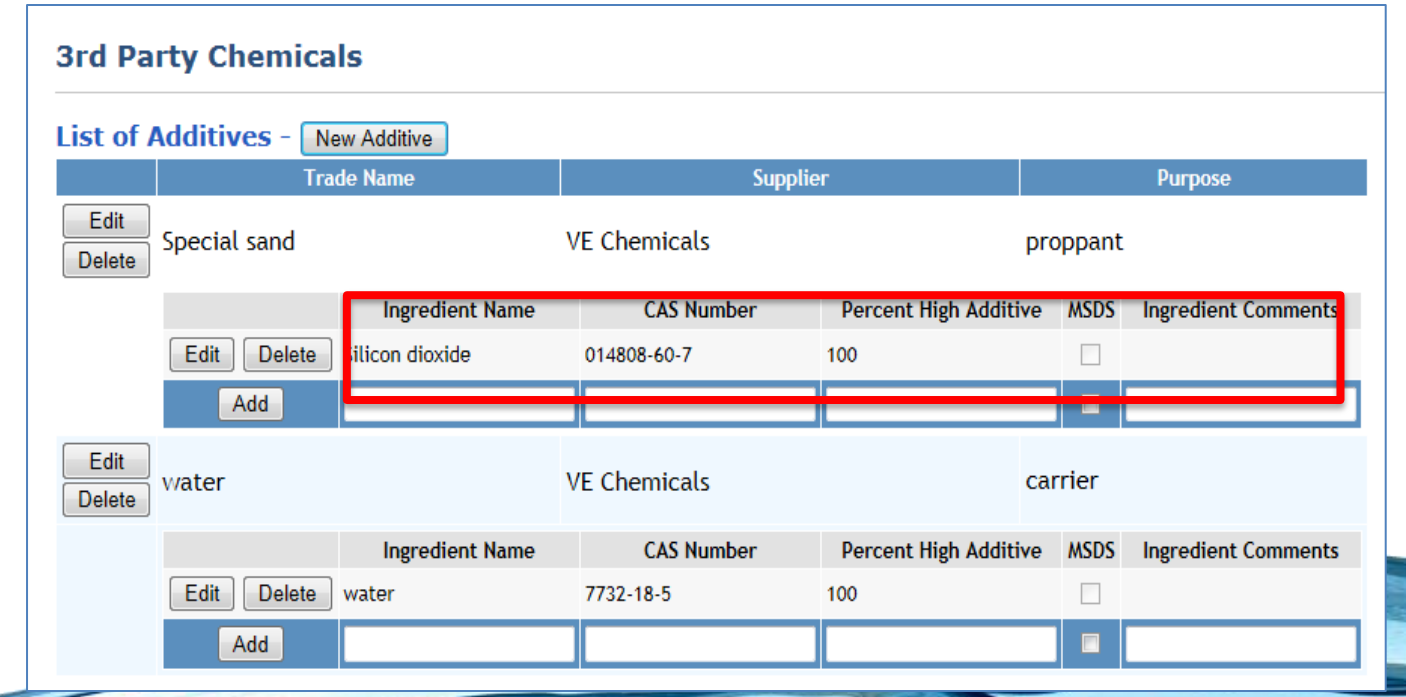


FracFocus
Chemical Disclosure Registry

Entering a New Additive

- If you wanted to enter a completely new additive, you would click the New Additive button near the top of the screen
  - The example shows special sand
- Click on the Save button, then fill in information on the next screen

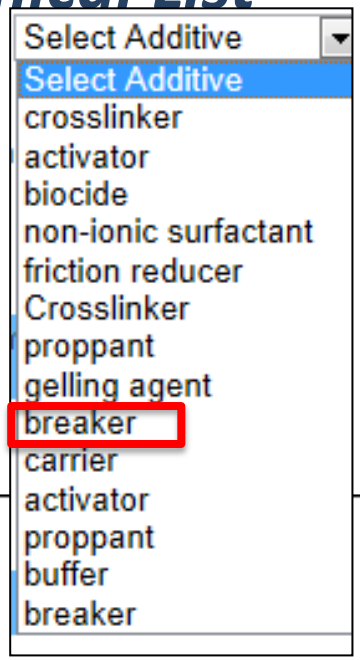




FracFocus
Chemical Disclosure Registry

Choose an Additive from the 3rd Party Chemical List

- Click on the Select Additive box
- Choose a new additive from the drop down list
  - In this case select breaker, then click on the Add Additive box



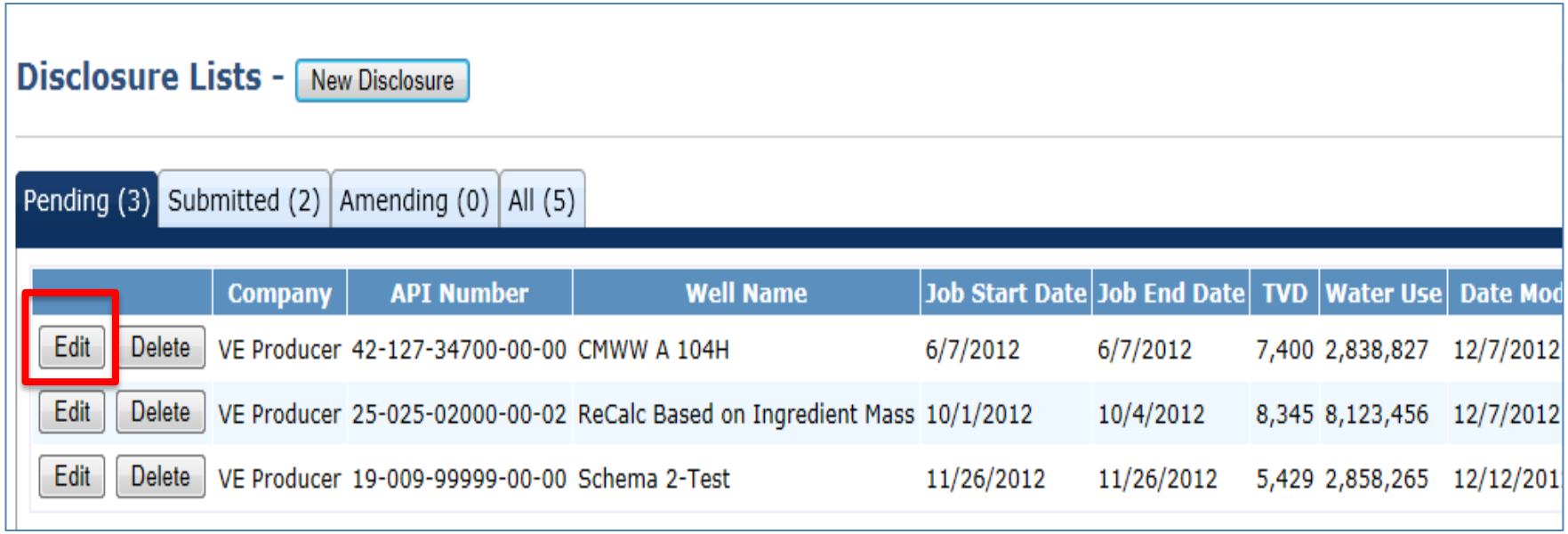
MSDS Chemical Ingredients

New Additive | Select Additive | Add Additive

	Trade Name	Supplier	Purpose	Ingredients	CAS #	% High Additive	% HF Job	Comments	Ingredient Mass
Edit	water	VE Chemicals	carrier						
				water	7732-18-5	100%	87%		0
Edit	Sand premium white	VE Chemicals	proppant						
				Crystalline silica	014808-60-7	100%	11%		0
Edit	BA-1	VE Chemicals	buffer						
				potassium carbonate	584-08-7	60%	1.7%		0
Edit	Biocide 1	VE Chemicals	biocide						
				Alkyl (C12-16) dimethylbenzylammonium chloride	68424-85-1	7%	.022%		0
				ethanol	64-17-5	5%	.011%		0
				Didecyl dimethyl ammonium chloride	7173-51-5	10%	.0004%		0
				gluteraldehyde	111-30-8	30%	.0003%		0

Reviewing, Editing and Approving Disclosure Reports by Operators

- The next set of slides shows how operators work with disclosure reports already in the operators queue
- Start with the Disclosure Lists icon and choose a record

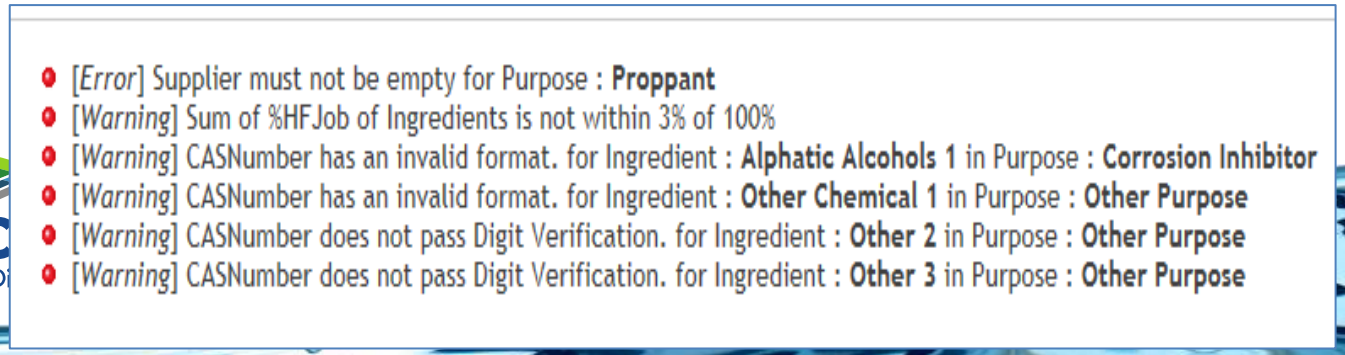


	Company	API Number	Well Name	Job Start Date	Job End Date	TVD	Water Use	Date Mod
Edit Delete	VE Producer	42-127-34700-00-00	CMWW A 104H	6/7/2012	6/7/2012	7,400	2,838,827	12/7/2012
Edit Delete	VE Producer	25-025-02000-00-02	ReCalc Based on Ingredient Mass	10/1/2012	10/4/2012	8,345	8,123,456	12/7/2012
Edit Delete	VE Producer	19-009-99999-00-00	Schema 2-Test	11/26/2012	11/26/2012	5,429	2,858,265	12/12/201

FracFocus
Chemical Disclosure Registry

Errors and Warning During Validation

- Sometimes after clicking on the Validate Disclosure button, the resulting screen indicates some irregularities in the entered information
  - Errors – will block validation
  - Warnings – will allow validation to continue



New Features Coming to FracFocus in 2015

- **Improvements to accuracy of well data disclosed**
- **Establishment of a policy for data custody, management, security, and retention**
- **State validation of compliance**
- **Upgrades to website to be a more usable and interactive database**

FracFocus
Chemical Disclosure Registry

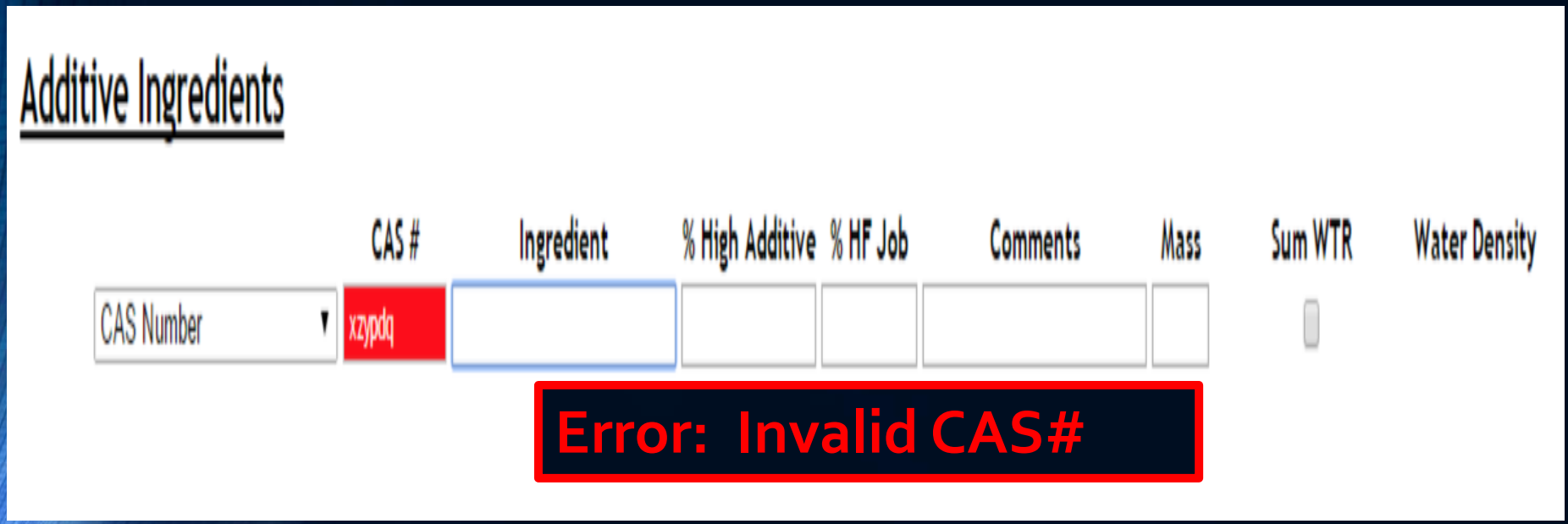
New Features Coming to FracFocus in 2015

- **Improvements to the accuracy of well data disclosed on FracFocus**
  - **6 step validation process to improve data quality and accuracy**

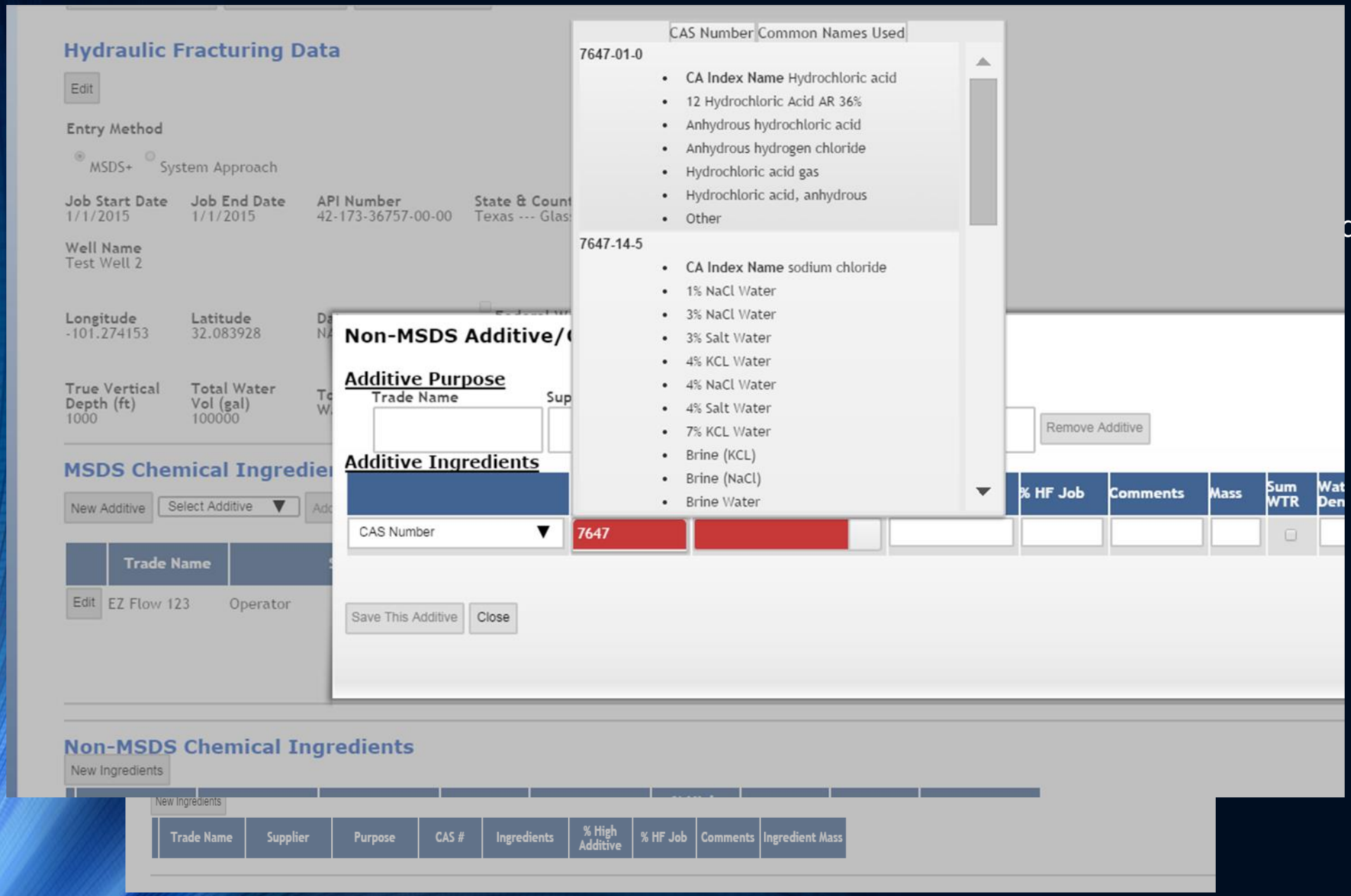
FracFocus
Chemical Disclosure Registry

Data quality – step 1
CAS number validation

Require valid CAS# Format



Data quality – step 2



Data quality – step 3
Trade Secret, Proprietary, CBI

-Drop down boxes ensure digital data is submitted

- Contact information is required for any ingredient marked as Trade Secret, Proprietary , CBI …

Data quality: step 4 water volume

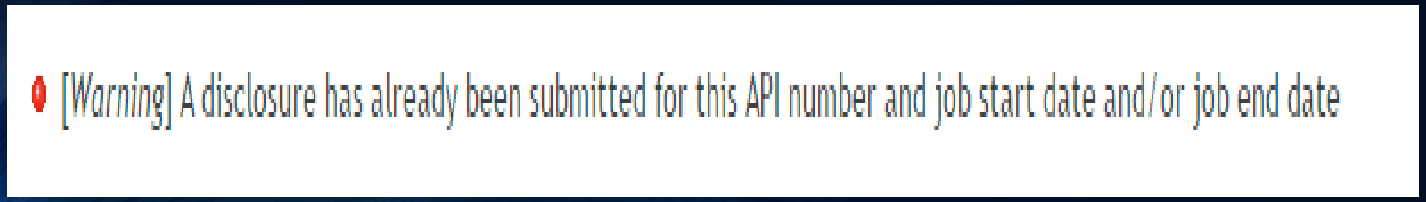
Improve the quality of base water volume reporting by issuing a warning if Total Water Volume (gal) exceeds 15 million gallons.

Data quality- step 5 maximum ingredient concentration in HF fluid

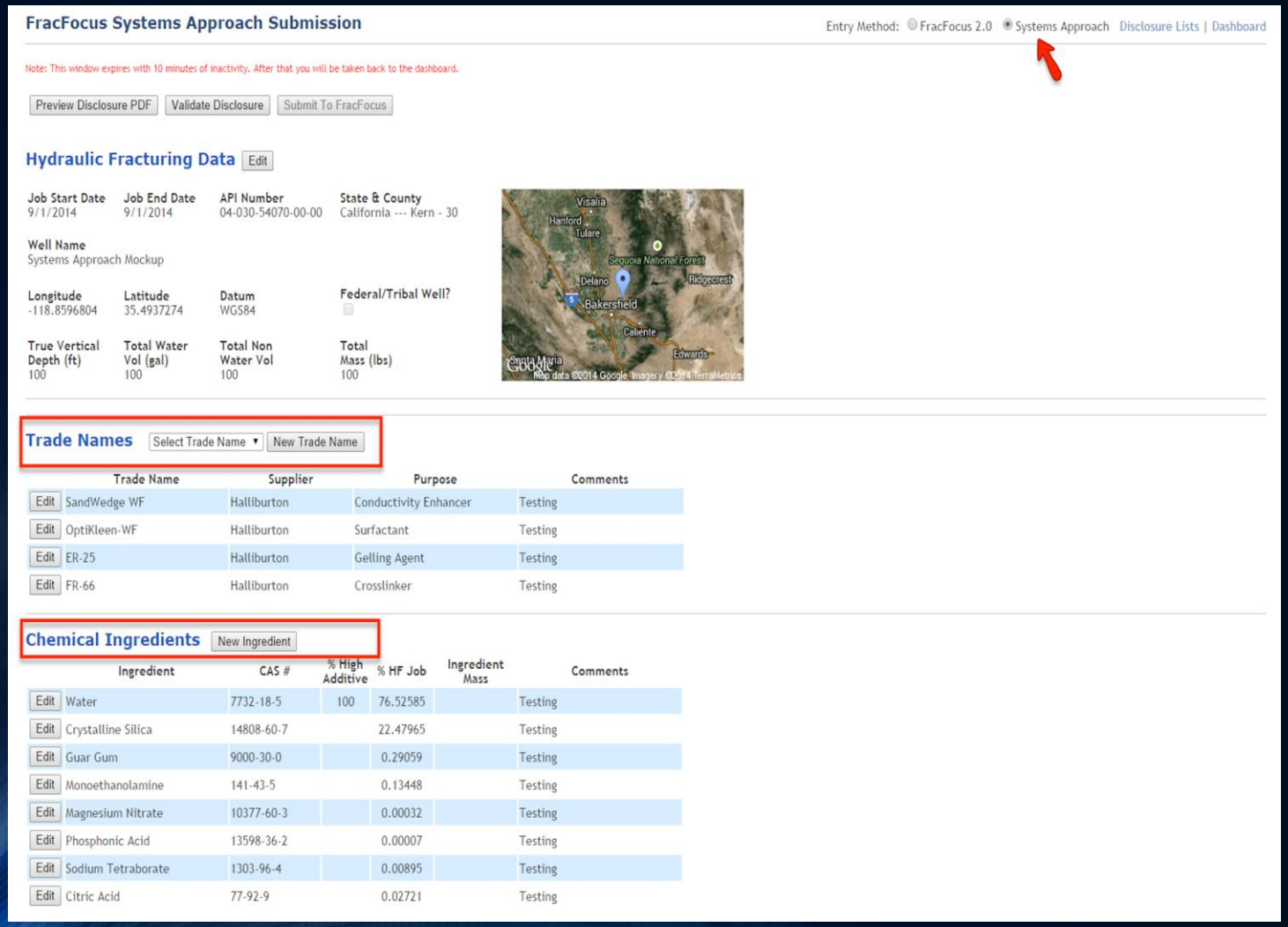
-If the sum of ingredient concentration in HF fluid is not within 3% of a 100% a warning is issued.

Data quality - step 6

-Multiple disclosures with same API number & job start/end date
-Changing the current error to a warning error when attempting to submit multiple disclosures with the same API number and job date.
-This is only a warning because it is possible to submit multiple disclosures with the same API number and start/end date



Reducing trade secret claims: The systems approach



FracFocus Systems Approach Submission

Entry Method: FracFocus 2.0 Systems Approach Disclosure Lists | Dashboard

Note: This window expires with 10 minutes of inactivity. After that you will be taken back to the dashboard.

Preview Disclosure PDF | Validate Disclosure | Submit To FracFocus

Hydraulic Fracturing Data Edit

Job Start Date	Job End Date	API Number	State & County
9/1/2014	9/1/2014	04-030-54070-00-00	California --- Kern - 30

Well Name: Systems Approach Mockup

Longitude	Latitude	Datum	Federal/Tribal Well?
-118.8596804	35.4937274	WGS84	

True Vertical Depth (ft)	Total Water Vol (gal)	Total Non Water Vol	Total Mass (lbs)
100	100	100	100

Trade Names Select Trade Name | New Trade Name

	Trade Name	Supplier	Purpose	Comments
Edit	SandWedge WF	Halliburton	Conductivity Enhancer	Testing
Edit	OptiKleen-WF	Halliburton	Surfactant	Testing
Edit	ER-25	Halliburton	Gelling Agent	Testing
Edit	FR-66	Halliburton	Crosslinker	Testing

Chemical Ingredients New Ingredient

	Ingredient	CAS #	% High Additive	% HF Job	Ingredient Mass	Comments
Edit	Water	7732-18-5	100	76.52585		Testing
Edit	Crystalline Silica	14808-60-7		22.47965		Testing
Edit	Guar Gum	9000-30-0		0.29059		Testing
Edit	Monoethanolamine	141-43-5		0.13448		Testing
Edit	Magnesium Nitrate	10377-60-3		0.00032		Testing
Edit	Phosphonic Acid	13598-36-2		0.00007		Testing
Edit	Sodium Tetraborate	1303-96-4		0.00895		Testing
Edit	Citric Acid	77-92-9		0.02721		Testing

Establishment of a policy for data custody, management, security, and retention

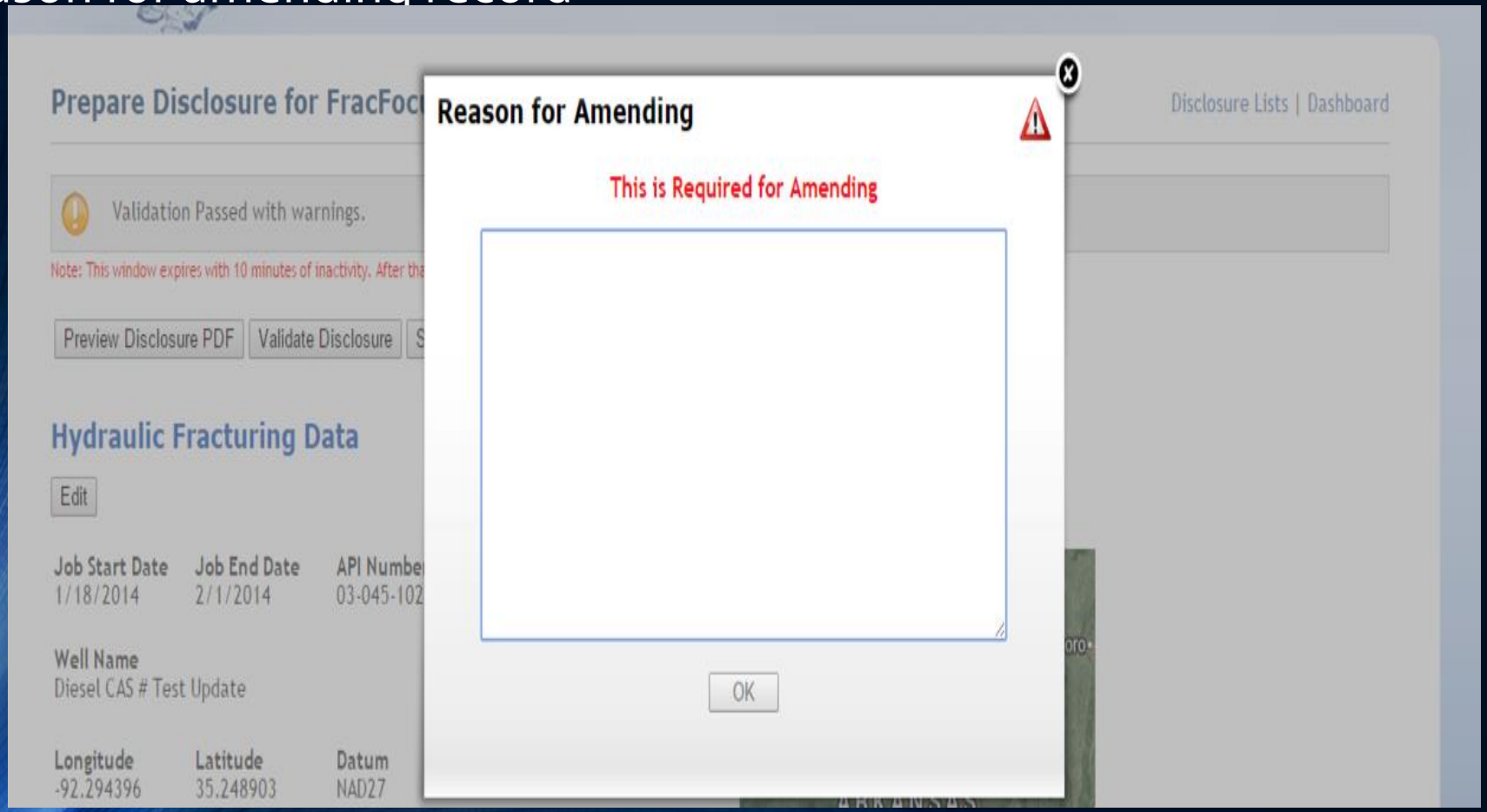
- FracFocus is being updated to comply with current versions of software
- Penetration testing has been preformed and an extra layer of security has been installed to prevent malicious internet attacks
- Google analytics has been added to help manage the web site and internet traffic

FracFocus amended and original record retention policy

- All records, originals and amended, are permanently stored in the FracFocus database
- FracFocus has instituted an redundant backup system to ensure that all records are retained
- All current records from June 1, 2013 will be available in digital format for download from FracFocus by May 2015
- For data submitted to FracFocus prior to June 1, 2013, header data is available in digital format and chemical disclosure records are available in PDF format

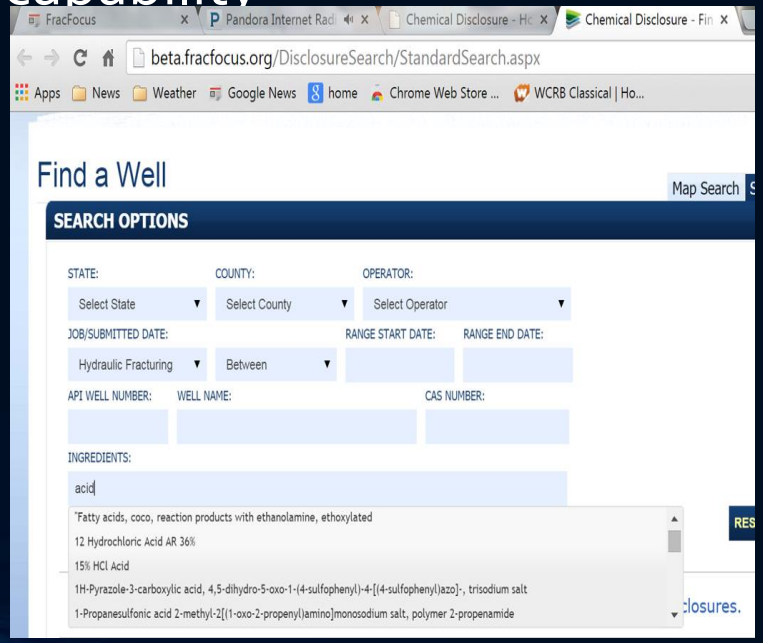
Record retention and amendments

Require Operators to complete a text field explaining the reason for amending record



New online search capability

- New features allow searches by
  - Date HF job preformed
  - Date chemical disclosure submitted
  - Google style chemical search capability



Search Features Under Development

Additional search criteria

1. Ingredient: purpose, supplier, trade name…
2. Advanced GIS and/or map based searches

- **FracFocus Inquiries:**

Mike Nickolaus, P.G.
mnickolaus@fracfocus.org

Brian Hampton, IT Manager
bhampton@gwpc.org

405-516-4972

FracFocus
Chemical Disclosure Registry

RAILROAD COMMISSION OF TEXAS

Statewide Rule 29 – Chemical Disclosure

Leslie Savage

SWR 29 – HF Chemical Disclosure

- Definitions
- Applicability
- Required disclosures
- Disclosures not required
- Trade Secret protection
- Trade Secret challenge
- Trade Secret confidentiality
- Penalties

SWR 29 – HF Chemical Disclosure

- **DEFINITIONS (cont'd)**
  - Hydraulic fracturing treatment--The treatment of a well by the application of HF fluid under pressure for the express purpose of initiating or propagating fractures in a target geologic formation to enhance production of oil and/or natural gas.
  - Hydraulic fracturing fluid--The fluid, including the applicable base fluid and all additives, used to perform a particular HF treatment.
  - Base fluid - The continuous phase fluid type, such as water, used in a particular HF treatment.
  - Additive--Any chemical substance or combination of substances, including a proppant, contained in a HF fluid that is intentionally added to a base fluid for a specific purpose whether or not the purpose of any such substance or combination of substances is to create fractures in a formation.

SWR 29 – HF Chemical Disclosure

- **DEFINITIONS (cont'd)**
  - Chemical ingredient--A discrete chemical constituent with its own specific name or identity, such as a CAS number, that is contained in an additive.
  - Chemical family--A group of chemical ingredients that share similar chemical properties and have a common general name.
  - Total water volume-- The total amount of water in gallons used as the carrier fluid for the HF job. It may include recycled water and newly acquired water.
  - Chemical Disclosure Registry--The chemical registry website known as FracFocus developed by GWPC/IOGCC.

SWR 29 – HF Chemical Disclosure

- **DEFINITIONS (cont'd)**
  - Trade secret--Any formula, pattern, device, or compilation of information that is used in a person's business, and that gives the person an opportunity to obtain an advantage over competitors who do not know or use it. The six factors considered in determining whether information qualifies as a trade secret, in accordance with the definition of "trade secret" in the Restatement of Torts, Comment B to Section 757 (1939), as adopted by the Texas Supreme Court in *Hyde Corp. v. Huffines,* 314 S.W.2d 763, 776 (Tex. 1958), include:
  - (1) the extent to which the information is known outside of the company;
  - (2) the extent to which it is known by employees and others involved in the company's business;
  - (3) the extent of measures taken by the company to guard the secrecy of the information;
  - (4) the value of the information to the company and its competitors;
  - (5) the amount of effort or money expended by the company in developing the information; and
  - (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

SWR 29 – HF Chemical Disclosure

- **APPLICABILITY**
  - HF treatment performed on a well for which RRC issued the initial drilling permit on or after February 1, 2012.

SWR 29 *– HF Chemical Disclosure*

REQUIRED DISCLOSURES

- Supplier and service company
  - Service company
  - Operator
- Operator
  - Commission
  - Health professionals and emergency responders
- Chemical disclosure to RRC
  - Chemical Disclosure Registry (FracFocus)
  - Supplemental list of other chemical ingredients

SWR 29 – HF Chemical Disclosure

REQUIRED DISCLOSURES – Supplier/Service company

As soon as possible, but not later than 15 days following the completion of HFT(s):

Must provide to operator following information concerning each chemical ingredient intentionally added to HF fluid:

- each additive, the trade name, supplier, and a brief description of the intended use or function;
- each chemical ingredient subject to the requirements of 29 CFR §1910.1200(g)(2) (MSDS);
- all other chemical ingredients intentionally included in, and used for the purpose of creating, HFT(s);
- the actual or maximum concentration of each MSDS chemical ingredient in percent by mass; and
- the CAS number for each chemical ingredient, if applicable.
- -- written statement if the specific identity and/or CAS number or amount of any additive or chemical ingredient used in HFT(s) is claimed to be entitled to protection as trade secret information. Claimant must provide:
  - supplier's or service company's contact info, including the name, authorized representative, mailing address, and phone #; and
  - chemical family, unless providing the chemical family would disclose info protected as a trade secret.

SWR 29 *– HF Chemical Disclosure*

REQUIRED DISCLOSURES - Operator

On or before the date the well completion report is submitted to RRC, operator must upload information to the FracFocus registry, including:

- operator name;
- date of completion of the HFT(s);
- the county, API number, well name and number;
- the longitude and latitude of the wellhead;
- the total vertical depth of the well;
- the total volume of water used or the type and total volume of the base fluid used in the HFT(s), if something other than water;

SWR 29 *– HF Chemical Disclosure*

REQUIRED DISCLOSURES – Operator (Cont'd)

- each additive and the trade name, supplier, and a brief description of intended use/function of each additive;

- each chemical ingredient subject to 29 CFR §1910.1200(g)(2) (MSDS), as provided by the chemical supplier or service company or by the operator, if the operator provides its own chemical ingredients;

- the actual or maximum concentration of each MSDS chemical ingredient in % by mass;

- the CASRNs for each chemical ingredient listed, if applicable; and

- a supplemental list of all remaining chemicals (non-MSDS) and their respective CASRNs, that were intentionally included in and used for the purpose of creating the HFT(s).

SWR 29 – HF Chemical Disclosure

- **INACCURACIES IN INFORMATION**
  - Supplier not responsible for any inaccuracy in information provided by a third party manufacturer of the additives.
  - Service company not responsible for any inaccuracy in information by the supplier.
  - Operator not responsible for any inaccuracy in information provided by the supplier or service company.

SWR 29 – HF Chemical Disclosure

- **Disclosure to Health Professionals/Emergency Responders**

  - May not withhold information related to chemical ingredients used in a HFT, including Trade Secrets, if needed for diagnostic, treatment or other emergency response purposes.
  - Must provide directly to health professional or emergency responder, all information in the person's possession, whether or not the information is a trade secret.
  - Must include with the disclosure, as soon as circumstances permit, a statement of the health professional's confidentiality obligation.
  - In an emergency situation, must provide the information immediately upon request.

  Disclosures must be made in accordance with the procedures in 29 CFR §1910.1200(i) with respect to a written statement of need and confidentiality agreements, as applicable.

SWR 29 – HF Chemical Disclosure

- **DISCLOSURES NOT REQUIRED:**
  - Ingredients not intentionally added
  - Ingredients not disclosed by manufacturer, supplier, service company
  - Ingredients that occur naturally or are otherwise unintentionally present
  - Specific ingredients eligible for trade secret protection

SWR 29 – HF Chemical Disclosure

TRADE SECRET PROTECTION:

Not required to disclose trade secret information, unless OAG or appropriate court determines that the information is not entitled to trade secret protection under Texas Gov. Code, Chapter 552.

SWR 29 – HF Chemical Disclosure

TRADE SECRET PROTECTION:

- If specific ID and/or CASRN of a chemical ingredient, the concentration of a chemical ingredient, or both are claimed or have been finally determined to be entitled to protection as a trade secret, supplier/service company may withhold that information from the information provided to the operator.
- If supplier or service company elects to withhold that information, he/she must provide to the operator, information that:
  - indicates information is entitled to protection as trade secret information; and
  - discloses the chemical family associated with the chemical ingredient; or
  - discloses the properties and effects of the chemical ingredient(s), the identity of which is withheld.

SWR 29 – HF Chemical Disclosure

TRADE SECRET CHALLENGE:

Eligibility to challenge claim of Trade Secret protection

- the landowner on whose property the relevant wellhead is located;
- the landowner who owns real property adjacent to that property; or
- a Texas department or agency with jurisdiction over a matter to which the claimed trade secret information is relevant.

SWR 29 – HF Chemical Disclosure

TRADE SECRET CHALLENGE PROCEDURE:

- Requestor must provide a signed certification in writing to RRC, including information identifying the requestor and the well, and a statement that the requestor is eligible to make a challenge (owns the property or owns adjacent property)

- Must be filed no later than 24 months from date the operator filed the well completion report for the well

SWR 29 – HF Chemical Disclosure

TRADE SECRET CHALLENGE PROCEDURE (Cont'd)

Within 10 business days of receiving an eligible request, RRC must:

- submit to OAG request for decision regarding the challenge;
- notify well operator and owner of the trade secret information of submission of the request to OAG and of requirement that the owner of the claimed trade secret information submit directly to OAG the claimed trade secret information, clearly marked "confidential," submitted under seal; and
- inform the trade secret owner of the opportunity to substantiate to OAG its claim of entitlement of trade secret protection, in accordance with Texas Gov Code, Chapter 552

SWR 29 – HF Chemical Disclosure

TRADE SECRET CHALLENGE PROCEDURE (Cont'd)

- If the OAG determines that the trade secret protection claim is valid, the owner of the claimed trade secret information shall not be required to disclose the trade secret information, subject to appeal.
- Procedure for withdrawal of challenge
- A final determination by the OAG may be appealed within 10 business days to a district court of Travis County pursuant to Texas Government Code, Chapter 552.
- If the OAG, or an appropriate court on appeal, determines that the withheld information would not be entitled to trade secret protection, the owner of the claimed trade secret information must disclose the information to the requestor as directed by the OAG or the court.

SWR 29 – HF Chemical Disclosure

- **PENALTIES**
  - A violation of this section may subject a person to any penalty or remedy specified in the Texas Natural Resources Code, Title 3, and any other statutes administered by RRC. The certificate of compliance for any oil, gas, or geothermal resource well may be revoked in the manner provided in §3.73 (Pipeline Connection; Cancellation of Certificate of Compliance; Severance) (Rule 73) for violation of this section.

SWR 29 – HF Chemical Disclosure

- **FracFocus REGISTRATION**

  Information regarding registration of your company to use FracFocus.org can be found at: https://www.hydraulicfracturingdisclosure.org/Account/RegisterOperator.aspx

  NOTE: Registration can be expedited if your company uses the same security administrator listed on the company's Security Administrator Designation Form (RRC SAD Form)

Leslie Savage, P.G.
Assistant Director
Technical Permitting
Oil & Gas Division
Railroad Commission of Texas
Leslie.savage@rrc.state.tx.us
(512)463-7308

Get your facts first, then you can distort them as you please.
Mark Twain